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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/072,617	02/07/2002	Charles B. Seidman	284660-00007	3108

7590 07/05/2006

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PHILADELPHIA, PA 19103-2097

EXAMINER

COBURN, CORBETT B

ART UNIT	PAPER NUMBER
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3714

DATE MAILED: 07/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/072,617

Applicant(s)

SEIDMAN, CHARLES B.

Examiner

Corbett B. Coburn

Art Unit

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– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 04 February 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 2,62-65 and 69-80 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2,62-65 and 69-80 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)                                    | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 2, 62 are rejected under 35 U.S.C. 102(e) as being anticipated by Simpson (US Publication Number 2001/0049627).

Claims 2 & 62: Simpson teaches a DVD with a first digital work (textual, graphical, multimedia and/or interactive programs [0031]) and a second digital work (i.e. a game).

The second digital work has a first outcome that awards a prize (i.e., a high score is awarded a coupon) and a second outcome (i.e., a low score) that does not award a prize.

Clearly, the player may repeat the game if he does not win the prize. This is providing a second game play based on the second outcome of the first game play.

### *Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. Claims 63-65 & 69-80 are rejected under 35 U.S.C. 103(a) as being unpatentable over Simpson (US Publication Number 2001/0049627) as applied to claim 62 above (where applicable).

**Claims 63-65:** Simpson discloses a method and system enabling the electronic dissemination of electronic coupons combined with both coupon-related (advertising) and coupon unrelated (game) data on a computer readable storage medium such as a DVD. The difference between Simpson and instant claim 63-65 is that Simpson fails to clearly state the game itself may be played over the Internet. (Note that Simpson does teach use of Internet to access codes, report demographics.) However, game play over the Internet is notoriously well known and has such advantages as allowing for server storage of game software with client access or the ability for geographically divers persons to play against each other in a game. It would have been obvious to one of ordinary skill in the art at the time of the invention to include network game play over the internet as an implementation of Simpson's game play so that the game data could be centrally stored and not utilize the storage capacity of the DVD, or to allow remote players to compete, as either would encourage interaction with the DVD and thus have users interact with the advertising and the coupons, the overall goal of Simpson.

**Claims 69-80:** The difference between these claims and Simpson lie in the requirement of watching the advertising data of Simpson prior to playing the game of Simpson. However, as Simpson contains both data and Simpson's intent is to entice the trade of demographic information in exchange for the viewing of advertising and receipt of coupons, it would have been obvious to one of ordinary skill in the art at the time of the

invention to include trivia questions regarding the advertising/products/coupons as a means for accessing a next level of game play as a means to ensure the product's message is being conveyed to consumers by the disk. Clearly this type of arrangement would encourage advertisers to place their products and coupons on the disk, and it would encourage players/users to continue interacting with the disk – both necessary components for the system taught by Simpson. Furthermore, the advertising would necessarily contain a clue or hint if the trivia question was about the advertisement. Any computerized trivia game must necessarily employ codes to enable the player to enter the answer and for the computer to determine whether the answer is correct or not.

***Response to Arguments***

5. Applicant's arguments filed 4 February 2004 have been fully considered but they are not persuasive. The arguments are drawn to the claims as amended and are answered above.

***Conclusion***

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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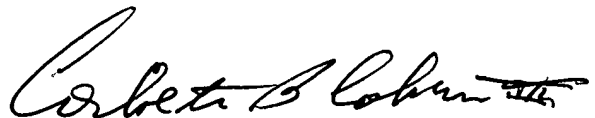
however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Corbett B. Coburn whose telephone number is (571) 272-4447.

The examiner can normally be reached on 8-5:30, Monday-Friday, alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on (571) 272-6788. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Corbett B. Coburn  
Primary Examiner  
Art Unit 3714

**CORBETT B. COBURN  
PRIMARY EXAMINER**